

EXHIBIT A TO RESOLUTION NO. 78740 OF THE CITY OF SAN JOSE

That the citizens of the City of San José do hereby enact the following amendments to the City Charter:

1. That Section 407 of the City Charter be amended to read as follows:

SECTION 407. The Council; CompensationSalary.

Each member of the Council, including the Mayor, shall be paid ~~as compensation a~~ salary for his or her services as a member of the Council, ~~for each calendar month during which he or she is a member of the Council, a monthly salary which shall be established by ordinance adopted pursuant to and in accordance with the provisions hereinafter set forth in this Section. No salary shall be established for any member of the Council, including the Mayor, except as provided in this Section.~~

- (a) ~~Between March 1st and April 30th commencing in 2019, and every five (5) years thereafter, of every odd-numbered year, the Council-Salary Setting Commission shall recommend to the Council set~~ the amount of ~~monthly base salary~~ which it deems appropriate for the members of the Council, including the Mayor, ~~for the two-year period commencing July 1 of that odd-numbered year. The amount recommended set~~ for each member of the Council shall be the same, except that the amount ~~recommended set~~ for the Mayor may exceed that of the other members of the Council. The ~~monthly base~~ salary shall be in an amount which takes into account the full time nature of the office and which is commensurate with salaries then being paid for other public or private positions having similar full time duties, responsibilities and obligations.

~~No recommendation determination of base salary amounts shall be made except upon the affirmative vote of three (3) members of the Commission. Failure of the Commission to make a recommendation determination of salary amounts in any year within the time prescribed shall be deemed to mean a recommendation that no change to the base salary be made.~~

- (b) ~~Each biennial recommendation~~ The Salary Setting Commission's determination of the Mayor and Council base salaries, together with the reasons therefor, shall be made in writing and submitted to the City Manager no later than May 1, so that funds can be budgeted and appropriated for that purpose. Before it submits any such recommendation determination to the Council City Manager, the Commission shall conduct at least one public hearing on the matter. When such a recommendation determination has been submitted to the Council City Manager, it shall not thereafter be amended by the Commission.

- (c) Commencing July 1, 2020, and annually thereafter in years in which there are no base salaries set by the Salary Setting Commission under Section 407(a), in order to provide a cost of living adjustment, the base salaries of the Council and Mayor shall increase by a percentage equal to the percentage increase of the preceding calendar year's annual average of the Consumer Price Index-Urban (CPI-U), or successor index, for San Francisco-Oakland-Hayward, as determined by the United States Department of Labor, Bureau of Labor Statistics. In no event shall the CPI-U salary increase exceed 5% per year. The Council shall, by ordinance, which shall be subject to the referendum provisions of this Charter, adopt the salaries as recommended by the Commission, or in some lesser amount, but in no event may it increase the amount.
- (d) No more than one salary setting ordinance shall be adopted on the basis of any biennial recommendation, provided that The Council may, at any time, by ordinance, reduce the salaries of the members of the Council, including the Mayor. In any salary setting reducing ordinance adopted hereunder, the salaries for each member of the Council shall be the same, except that the salary of the Mayor may exceed that of the other members of the Council. Salaries established by ordinance adopted pursuant to the provisions of this Section shall remain in effect until amended by a subsequent ordinance adopted pursuant to the provisions of this Section.
- (e) For each member of the Council, except the Mayor, a sum, as established by the Council Salary Setting Commission, shall be deducted from the salary of such member for each regular meeting of the Council, other than regular adjourned meetings, which he or she fails to attend in each such calendar month; provided, however, that such deduction shall not be made for his or her failure to attend any meeting during which he or she is away on authorized City business, or from which he or she is absent because of his or her own illness or the illness or death of a close family member. No deduction shall be made from the Salary of the Mayor because of his or her failure to attend any Council meeting.

2. That Section 1001.1 of the City Charter be amended to read as follows:

SECTION 1001.1. Salary Setting Commission.

There shall be, and there is hereby established, a Salary Setting Commission. The following provisions shall be applicable thereto:

- (a) MEMBERSHIP. The Salary Setting Commission shall consist of five (5) members appointed by the Civil Service Commission. Members must be qualified electors of the City at all times during their term of office.
- (b) TERMS OF OFFICE. Except as provided hereinbelow, the regular term of office of each member of the Salary Setting Commission shall be four (4) years. The initial members of the Salary Setting Commission shall be appointed by the Civil Service Commission during the month of January, 1981. Two (2) of the members so appointed shall be appointed for a term expiring on December 31, 1982; and three (3) of the members so appointed shall be appointed for a term expiring on December 31, 1984. Commencing in December of 1982, the Civil Service Commission shall, during the month of December of each even-numbered year, make appointments to fill the offices of the members whose terms are expiring at the end of such even-numbered year. Such appointments shall be for regular terms of four (4) years commencing on the first day of January of the following odd-numbered year and expiring on the 31st day of December of the second even-numbered year thereafter.
- (c) VACANCIES. The office of a member shall become vacant upon the happening before the expiration of his or her term of any of the events set forth in subsections (a), (b), (c), (d), (e), (h), (i), (j), (k), and (l) of Section 409 of this Charter. Also, the Civil Service Commission may remove a member from office at any time for misconduct, inefficiency or willful neglect in the performance of the duties of his or her office providing it first states in writing the reasons for such removal and gives such member an opportunity to be heard before the Civil Service Commission in his or her own defense. If a vacancy occurs before the expiration of a member's term, the Civil Service Commission shall appoint a qualified person to fill such vacancy for the remainder of the unexpired term of such member.
- (d) POWERS AND DUTIES.

The Salary Setting Commission shall perform the following
duties~~biennially make recommendations:~~

- (1) Respecting~~Commencing in 2019, and every five (5) years~~
thereafter, the Salary Setting Commission shall set the base
salaries for members of the Council, including the Mayor, as
provided in Section 407 of this Charter.
- (2) The Salary Setting Commission shall biennially make
recommendations ~~r~~Regarding the monthly stipend for any non-City
employee member of the retirement board or boards which
administer the retirement plan or plans established pursuant to
Article XV of this Charter and designated by the Council to receive

a stipend. The stipend set by the Council will be in accordance with the process established through ordinance.

3. That Section 1603 of the City Charter be amended to read as follows:

SECTION 1603. Initiative, Referendum and Recall.

The powers of initiative, referendum and the recall of elected municipal officers are hereby reserved to the electors of the City. The provisions of the Elections Code of the State of California, as the same now exist or may hereafter be amended, governing the initiative and referendum and the recall of municipal officers in cities shall be applicable insofar as the same are not in conflict with this Charter; provided, however, that the number of signatures required shall be as follows:

- (a) INITIATIVE. To initiate proceedings for the exercise of the power of initiative, either of the following provisions shall apply as is applicable:
 - (1) If the petition is signed by duly qualified electors of the City equal in number to at least eight percent (8%) of the number of persons eligible to vote according to the last report of registration filed by the County Registrar of Voters with the Secretary of State, which is in effect at the time the notice of intent to circulate the petition is published, and contains a request that the proposed ordinance be submitted immediately to a vote of the people at a Special Municipal Election, the Council shall either pass the proposed ordinance for publication, without alteration, at the regular meeting at which it is presented by the City Clerk and adopt said ordinance within ten (10) days after it is presented, or immediately call a Special Municipal Election at which the ordinance, without alteration, shall be submitted to a vote of the voters of the City.
 - (2) If the petition is signed by duly qualified electors of the City equal in number to at least five percent (5%) of the number of persons eligible to vote according to the last report of registration filed by the County Registrar of Voters with the Secretary of State, which is in effect at the time the notice of intent to circulate the petition is published, and the ordinance petitioned for is not required to be, or for any reason is not, submitted to the voters at a Special Municipal Election, and is not adopted without alteration by the Council, then the proposed ordinance, without alteration, shall be submitted by the Council to the voters at the next General Election.
 - (3) In the event that a petition is submitted in accordance with the provisions of either subparagraphs (1) or (2) of subsection (a), and the Council submits said proposed ordinance to a vote of the voters

of the City, the Council may not by a two-thirds vote of the Council at the same time submit an any alternative ordinance at the same election. If the provisions of two or more ordinances adopted at the same election conflict, the ordinance receiving the highest number of affirmative votes shall control.

- a. Before the Council may submit any alternative ordinance to a vote of the voters of the City, the Council shall refer the petition submitted in accordance with the provisions of either subparagraphs (1) or (2) of subsection (a) for a report on all of the following:
 - (i) The accuracy of the information provided in the petition.
 - (ii) The economic impact of the petition on the public, as well as the proponents and major donors to the petition if known.
 - (iii) Whether the petition would create a benefit or entitlement that would be difficult or impossible to reverse.
 - b. The report must be prepared by a person or entity that is independent from the City, which may be a consultant retained by the City. The report may not include arguments in support or opposition to the petition, rationales for any alternative ordinance, or value judgments from the findings.
 - c. The report must be presented to the Council within the time prescribed by the Council, but no later than the deadline to submit the petition to the voters, and must be accepted by a majority vote of the Council.
 - d. The report may be in addition to any other report the Council is authorized to request under State law and may be requested during the circulation of the petition.
- (b) REFERENDUM. To initiate proceedings for the exercise of the power of referendum, the petition shall be signed by duly qualified electors of the City equal in number to at least eight percent (8%) of the number of persons eligible to vote according to the last report of registration filed by the County Registrar of Voters with the Secretary of State, which is in effect at the time of adoption of the ordinance or measure which is the subject of the petition.

- (c) **RECALL OF THE MAYOR.** To initiate proceedings for the exercise of the power of recall of the Mayor, the petition shall be signed by duly qualified electors of the City equal in number to at least twelve percent (12%) of the number of persons eligible to vote according to the last report of registration filed by the County Registrar of Voters with the Secretary of State, which is in effect at the time the notice of intent to circulate the petition is published.
- (d) **RECALL OF COUNCIL MEMBER.** To initiate proceedings for the exercise of the power of recall of a Council member elected by a District, the petition shall be signed by duly qualified electors of the District equal in number to at least twelve percent (12%) of the number of persons residing in the District eligible to vote according to the last report of registration filed by the County Registrar of Voters with the Secretary of State, which is in effect at the time the notice of intent to circulate the petition is published.

NOTE: Additions to the text are underlined and deletions are shown in ~~strikethrough~~.

The foregoing instrument is
a correct copy of the original
on file in this office.

Attest:

TONI J. TABER

City Clerk

City Clerk of the City of San Jose
County of Santa Clara, State of California

By  _____, Deputy